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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,830	12/10/2003	Douglas B. Heins	42441-8001.US01	4617
22918	7590	05/27/2009		
PERKINS COIE LLP P.O. BOX 1208 SEATTLE, WA 98111-1208			EXAMINER MISIASZEK, MICHAEL	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 05/27/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/733,830	Applicant(s) HEINS, DOUGLAS B.	
	Examiner Michael Misiaszek	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-73, 87-94 and 96 is/are pending in the application.
- 4a) Of the above claim(s) 29-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 87-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/3/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendments filed 3/6/2009 have been received and reviewed. The status of the claims is as follows:

Claims 29-73, 87-94 and 96 are pending. Claims 29-73 were previously withdrawn from consideration by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 87-94, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodnar et al. (US 20040218045 A1, hereinafter Bodnar) in view of Johns et al. (US 20050097173 A1, hereinafter Johns).

Bodnar discloses a method for sending a digital image from a mobile radiotelephone to an online web-services provider, comprising:

- receiving a request to process the digital image (at least abstract)
- wherein, the request is initiated by a user using the mobile radiotelephone (At least abstract)
- identifying the user that initiated the request (at least figure 6A, step 608)

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- wherein, the user is identified via the mobile radiotelephone (at least figure 6A)
- generating a provisioner (at least paragraphs 14-17: user account provisioned automatically)
- wherein, the provisioner specifies a computing device based on a network pathway (at least fig. 3, paragraphs 14-17: image repository specified by system)
- in response to identifying of the user, automatically performing a single-event instantiation process, by the computing device, to upload the digital image to the online web-services provider, (at least paragraphs 14-17, figures 6A-6C)

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Bodnar does not explicitly disclose:

- the provisioner further comprises a user-customized setting specified by the identified user
- wherein, the user-customized setting includes a preference of the identified user;
- wherein, the preference includes sending the digital image to the online-web-services provider;

Johns teaches that it is known to include preferences of an identified user including preference regarding sending an image to an online-web-services provider (at least paragraphs 36 and 37) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention, as taught by Bodnar, with the user preferences, as taught by Johns, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

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Regarding Claims 88-92

Bodnar discloses:

- wherein, the single-event instantiation process is automatically performed in response to identifying the user (at least figure 6A-figure 6C)
- acquiring the digital image from the mobile radiotelephone (at least abstract)
- wherein the performing the single-event instantiation process is sent to a plurality of system components wherein, the plurality of system components communicate via a network (at least figure 3)
- wherein the plurality of system components communicate via a secure connection utilizing encryption for at least a portion of the performing the single-event instantiation process (at least paragraph 124)
- wherein the plurality of system components serve multiple purposes in performing one or more tasks of the performing the single-event instantiation process (at least paragraphs 85-89: various system components perform multiple tasks)

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Regarding Claim 93

Bodnar does not explicitly disclose:

- wherein the plurality of system components process multiple single-event instantiations of the performing the single- event instantiation process, each mutually independent from each other

Johns teaches that it is known to process multiple instances of a single-event instantiation (at least paragraph 52: multiple images uploaded to same album) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention, as taught by Bodnar, with the multiple instances, as taught by Johns, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

Regarding Claim 94

Bodnar discloses:

- wherein one system component of the plurality of system components is a server (at least figure 3)

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Regarding Claim 96

Bodnar does not explicitly disclose:

- wherein, the online web-services provider is an online album.

Johns teaches that it is known to include an online album (at least paragraph 52) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention, as taught by Bodnar, with the online album, as taught by Johns, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

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Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625

Michael A. Misiaszek
Patent Examiner
5/25/2009